

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DOMINIC JOSEPH ABBOTT,	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 12-308
	)	
MICHAEL J. MACHEN, Allegheny	)	District Judge Nora Barry Fischer/
County Public Defender;	)	Magistrate Judge Maureen P. Kelly
PENNSYLVANIA DEPARTMENT OF	)	
CORRECTIONS; SCI PITTSBURGH	)	
(Individually/Officially); SCI	)	
SCI PITTSBURGH RECORDS	)	
DEPARTMENT; SCI PITTSBURGH	)	
MEDICAL DEPARTMENT; SCI CAMP	)	
HILL (Individually/Officially); SCI CAMP	)	
HILL RECORDS DEPARTMENT; SCI	)	
GREENE (Individually/Officially); SCI	)	
GREENE RECORDS DEPARTMENT,	)	
Defendants.	)	

**ORDER**

The above-captioned prisoner civil rights Complaint was received by the Clerk of Court on March 13, 2012, and was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rule 72 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (the"Report"), ECF No. 8, filed on September 24, 2012, recommended that Plaintiff's Complaint be dismissed because it was barred by the doctrine of Heck v. Humphrey, 512 U.S. 477 (1994). Service was made on the Plaintiff at his address of record. Plaintiff was given until October 11, 2012 to file objections. Plaintiff filed Objections. ECF No. 9.

Nothing in those objections bears extended comment or warrants rejection of the Report. Suffice it to say, nothing Petitioner states shows that the Heck bar is inapplicable. We note that Plaintiff does appear to seek leave to amend his complaint. ECF No. 9 at 3, ¶¶ 5 to 6. However, nothing that he states in the Objections leads the Court to believe that he can overcome the Heck bar. Hence, we deny Plaintiff leave to amend the complaint as being futile.

Hence, the following order is entered.

**AND NOW**, this 24th day of October 2012, after de novo review of the Report and Recommendation and the Objections and the record in this case,

**IT IS HEREBY ORDERED** that Plaintiff's Complaint is dismissed for failure to state a claim upon which relief can be granted.

**IT IS FURTHER ORDERED** the Report and Recommendation, ECF No. 8, filed on September 24, 2012, by Magistrate Judge Kelly, is adopted as the opinion of the court.

*s/Nora Barry Fischer*  
Nora Barry Fischer  
U.S. District Judge

Dated: October 24, 2012

cc: Maureen P. Kelly  
United States Magistrate Judge

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